



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Appln. of: Andreas FATH

Examiner: Not yet assigned

Serial No.: 10/534,560

Group Art Unit: Not yet known

Filed: May 11, 2005

Atty Docket No.: D4700-00394

For: COATING METHOD

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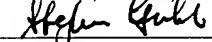
JAN 30 2006

CONTINGENT REQUEST FOR REFUND

OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING, 37 C.F.R. §1.8(a)
I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephan P. Gribok, Reg. No. 29,643
1-19-06
Date

The undersigned is concurrently filing a petition for revival of the subject patent application on grounds that the delay in prosecution (the alleged delay in payment of the official fee until a time more than 30 months after the priority date) was unavoidable. That petition fee of \$500.00, was submitted by charge authorization.

However, the alleged nonpayment occurred due to an error by the PTO in executing a charge authorization that was submitted by applicant in attempting to pay the official fee that is alleged to have been missing or late.

In particular, the PTO concluded that the balance in the undersigned's Deposit Account 04-1679 was insufficient. A review of the deposit account statement (see attachments to the accompanying Petition to Revive) shows that a sufficient balance had been paid in and was available when the charge was reportedly attempted (some time on May 16, 2005). Therefore, insofar as the case was deemed abandoned, this

was an error of the PTO as opposed to an actual abandonment due to insufficient or missing or late action by applicant or applicant's representatives.

It should not be necessary for applicant to incur an official petition fee to correct the PTO's error. If the PTO has charged the petition fee to applicant's deposit account, applicant now requests that a REFUND in the amount of the petition fee, namely \$500.00, be credited to Deposit Account 04-1679.

Respectfully submitted,

Date: Jan. 19, 2006

Atty Docket No.: D4700-00394

  
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